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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23460 7590 04/20/2007
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EXAMINER

GLASS, RUSSELL S

ART UNIT

PAPER NUMBER

3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/786,566

Applicant(s)

OON, YEONG KUANG

Examiner

Russell S. Glass

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3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 2/15/2007. Claims 28-37 are pending. Claims 1-27 are cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (WO 96/41275) in view of Iliff, (U.S. 5,594,638) and further in view of Applicant's admission, and further in view of Oon, (WO 97/48059), and further in view of Friedman (U.S. 6,055,494).**

3. As per claim 28, Johnson discloses a medical record management system comprising:

- a. an administrator system having:

- (i) data receiver for accepting medical records, (Johnson, abstract, page 4,

lines 1-3).

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(ii) a data store for storing the received medical records, (Johnson, abstract, page 4, lines 8-9).

(iii) a query module for receiving query from predefined source (i.e. client) having assigned access right and to transmit relevant record data back to the source, (Johnson, abstract, page 4, lines 9-10, page 10, lines 6-8, page 11, lines 10-17, page 28, line 23 to page 29, line 7).

Johnson fails to teach the medical record represented in medical scripting language including script instructions containing embedded commands, the records stored on the basis of patient data categorized into event categories selected from the group of patient presentation data, patient test results data, patient diagnosis and medication data. However, such a system is well known as disclosed by Iliff, (Iliff, col. 13, line 20-col. 14, line 36, col. 64 line 50-col. 66, line 10).

On page 10, lines 22-25 of the specification, Applicant admitted that the medical scripting language defined by Extended Backus Naur Format is well known as described in Niklaus Wirth, *Programming in Modula-2*, Springer Verlag 1982; and also *Smalltalk V*, Digitalk corporation 1992.

On page 14, lines 16-21, applicant admitted that the use of medical scripting language to encode patient record is known as described in PCT/AU97/00362, published December 18 1997 under publication number WO 97/48059 (Oon) which discloses the medical scripting language and the records stored on the basis of the event categories Plum where P stand for presentation, I for link (i.e., test data), u for

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utility (i.e., diagnosis) and m for management (i.e., drug treatment or medication data), (Oon, Figs 1-3, 12; page 14, lines 3-12, page 15, lines 10-26).

As per the "pre-emptive report generator in operative interconnection with the data store configured to interrogate the medical records in accordance with prescribed instructions to initiate report generation and execution of said embedded commands in accordance with preselected criteria". It is unclear that this limitation is disclosed in Johnson and Iliff. This, however, is well known as evidenced by Friedman. Friedman teaches a medical language processing system including parser for parsing (i.e., interrogate) medical records according to grammar and lexicon (i.e., prescribed instructions) to form a structured output and tagged report (i.e. report generator), (Friedman, Fig. 1,2, col. 2, line 18- col. 4, line 17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Johnson and Iliff. The motivation would have been to use authoring language to enable expert and general practitioner knowledge to be encoded for access by the public, (Iliff, Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add Applicant's admission to the collective system of Johnson and Iliff. The motivation would have been to use a language that has the ability to operate on different computing platforms, thus improving scalability and performance.

It would have been obvious to one having ordinary skill in the art at the time of

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the invention add Friedman to the collective system of Johnson, Iliff, and Applicant's admission. The motivation would have been to computerized processing of natural language phrases found in medical data, (Friedman, col. 1, lines 6-8).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include medical scripting language and event categories admitted by the Applicant and disclosed in WO 97/48059. The motivation would have been to facilitating the querying and managing of medical records, (Oon, page 15, lines 10-15).

4. As per claim 33, the claim recites the method corresponding to the system of claim 28 and is rejected for the same reasons given in the rejection of claim 28.

The statement of obviousness and motivation to combine the references cited is as provided in the rejection of claim 28 and incorporated herein by reference.

5. As per claims 29, 34, Johnson discloses computer and network, (Johnson, page 9, line 10).

The statement of obviousness and motivation to combine the references cited is as provided in the rejection of claim 28 and incorporated herein by reference.

6. As per claims 30, 35, ASCII format is disclosed by Oon, (Oon, page 32, lines 23-24).

The statement of obviousness and motivation to combine the references cited is as provided in the rejection of claim 28 and incorporated herein by reference.

7. As per claims 31 and 36, it is within a level of one skilled in the art to select data elements and data types of fields in a record. Johnson discloses data fields of record, (Johnson, page 26, lines 18-25). Oon teaches event status field, handwritten text (i.e., signature, comments), (Oon, page 32, lines 10-28).

The statement of obviousness and motivation to combine the references cited is as provided in the rejection of claim 28 and incorporated herein by reference.

8. As per claims 32, 37, Oon discloses the date tracking function for various application such as recalling or reminding, (Oon, page 3, lines 20-26).

The statement of obviousness and motivation to combine the references cited is as provided in the rejection of claim 28 and incorporated herein by reference.

Response to Arguments

1. As per Applicant's argument that the prior office action erroneously asserted that Extended Backus Naur Format was a scripting language, it is submitted that the prior office action made no such assertion and Applicant failed to cite any specific erroneous passage in the office action. Instead, the passage relevant to Applicant's argument in fact states the following: "Applicant admitted that the medical scripting language *defined by* Extended Backus Naur Format is well known ...)(emphasis added).

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2. As per applicant's argument that the prior art fails to disclose script instructions that "embed executable commands while at the same time expressing the relevant medical information", it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3. As per Applicant's argument that none of the prior art teaches " a medical scripting language including script instructions that contain embedded commands", it is submitted that Iliff discloses such a scripting language, (Iliff, col. 64, line 50-col. 66, line 10)(disclosing FO (File Output) language that is a medical scripting language including script instructions that contain embedded commands).

4. As per Applicant's argument that Iliff is non-analogous art because the primary embodiment is practiced over a telephone line, it is submitted that the embodiment of Iliff cited above as disclosing script instructions that contain embedded commands, in fact is a stand-alone screen version, (Iliff, col. 64, line 50-col. 66, line 10).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

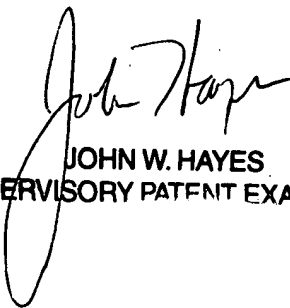
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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RSG
4/15/2007

RSG


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER